

**WEST VALLEY CITY  
BOARD OF ADJUSTMENT  
MINUTES**

**April 16, 2014**

This meeting was called to order at 6:00 p.m. by Chairperson Necia Christensen at 3600 Constitution Boulevard, West Valley City, Utah.

**WEST VALLEY CITY BOARD OF ADJUSTMENT MEMBERS**

Necia Christensen, Russell Moore, Sandy Naegle, and William Whetstone

**Those Absent:**

Scott Spendlove

**WEST VALLEY CITY PLANNING DIVISION STAFF**

Steve Lehman, Jody Knapp, and Nichole Camac

**WEST VALLEY CITY LEGAL DEPARTMENT**

Brandon Hill, Assistant City Attorney

**AUDIENCE:**

Approximately 6 (six) persons were in the audience.

**NON CONFORMING USE**

**B-3-2014**

**MPT of West Valley City LLC - Modification of Non-Conforming Structure**

**3460 South Pioneer Parkway**

**C-2 Zone**

**REQUEST:**

John Butterfield, representing MPT of West Valley City LLC, has filed a request to modify portions of an existing non-conforming structure. This request is for property located at 3460 South Pioneer Parkway.

**BACKGROUND:**

**WEST VALLEY CITY GENERAL PLAN** recommends General Commercial Uses.

- ☐ The Pioneer Valley Hospital received conditional use approval in 1966. Over the years various additions and expansions have been approved by Salt Lake County and West Valley City.
- ☐ The current owners have submitted an application to expand two non-conforming structures related to the main building of the hospital. The specific structures with regard to this request are the main entrance and the emergency entrance to the north. The expansion itself consists of canopy extensions to provide better lighting, a more updated look and improved coverage for the emergency entrance.
- ☐ At the present time, the main entrance and the northern emergency entrance do not meet current setbacks. While the main entrance was constructed with a reduced setback, the existing canopy for the emergency entrance received a variance from the Board of Adjustment in July 2003.
- ☐ Staff would like to address the specifics of each location separately:
  - The main entrance is approximately 15 feet from the back of curb. The north area in front of this entrance is used for vehicular access. The remaining portion to the south is presently landscaped. The expansion of this canopy is to accommodate a translucent panel system to provide more light into the main lobby of the hospital. The panel system will also provide architectural relief which is a key component to the hospitals exterior remodel. The proposed panel system will extend approximately 3'9" beyond the existing face of the canopy.
  - The emergency entrance to the north has an existing canopy. However, it is not sufficient to cover those using the emergency entrance. The proposal here would be to install a new canopy for the purpose of providing reasonable cover for

vehicles using this entrance. The existing canopy will remain in place with the new canopy extending out approximately 12 feet.

- ☐ Neither canopy will extend out in to the right-of-way, nor will they be an impediment to vehicular or pedestrian use.
- ☐ The Board may allow a modification to an existing non-conforming structure provided that the change is in harmony with the surrounding neighborhood and in keeping with the intent of the General Plan. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. The Board may also attach reasonable conditions in order to assure compatibility.

**ORDINANCE SUMMARY:**

Section 7-18-106(4) of the West Valley City Land Use Development and Management Act reads:

- (4) Nonconforming use of building and structures. The nonconforming use of a building or structure lawfully existing on the effective date of this Chapter may be continued and may be expanded or extended throughout such building or structure provided no structural alterations except those permitted by law, are proposed or made for the purpose of extension.

**Steve Lehman presented the application.**

**Applicant:**

John Butterfield

**John Butterfield**

John Butterfield indicated that the Pioneer Valley Hospital has undergone many changes over the years. He stated that the existing building was constructed in 1983. Mr. Butterfield explained that the hospital has been owned and operated by Iasis, a company based out of Tennessee. He stated that in July of 2007 the hospital combined with Jordan Valley but the name did not change since Pioneer Valley is known by the community. Mr. Butterfield stated that Pioneer Valley is ranked in the top 10% of the nation in both quality and customer service but the hospital has a negative reputation that stems mostly from its early days. He indicated that the administrative team has decided to rebrand and upgrade the hospital to improve the perception from the community while still maintaining a local identity. He stated that renovations are being proposed to the hospital to help modernize the appearance and the hospital will also be renamed to Jordan Valley Medical Center- West Valley Campus. Mr. Butterfield stated that the first step in upgrading the appearance of the hospital is to modify the canopies. The first modification will be to the main entrance which will not only improve the aesthetic appearance but will provide more natural light and a clearer indication of where the main entrance is. The second modification will be to the emergency entrance. Mr. Butterfield indicated that this will not only help with aesthetics but also provides shelter from snow or rain to people needing to access the

emergency entrance. He added that Utah Code also requires that emergency entrances be covered. Mr. Butterfield stated that a new sign package will be submitted to the City in the near future as well.

Sandy Naegle asked if the new canopy over the main entrance will extend to the doors. Mr. Butterfield replied yes and stated that it will be elevated and angled. He added that this will help people identify where the main entrance is, especially at night.

**Discussion:** Russell Moore disclosed that he has a business relationship with Iasis but nothing to do with operations.

There being no further discussion regarding this application, Chairperson Christensen called for a motion.

Mr. Moore moved for approval of the main entrance canopy.

Ms. Naegle seconded the motion.

**Discussion:** Necia Christensen stated that she feels the upgrade and remodel will be a good thing for the hospital. She indicated that she also feels the addition of the canopy will help patrons identify the location of the main entrance. Will Whetstone and Sandy Naegle agreed. Ms. Christensen stated that she is concerned about the crosswalk. Mr. Moore asked if the City has ever thought to deed the street over to Iasis. Steve replied that this has been discussed but Granger Hunter has substantial infrastructure in this right of way and was opposed to turning the street into a private one instead of public.

A roll call was taken.

|                         |     |
|-------------------------|-----|
| Ms. Naegle              | Yes |
| Mr. Whetstone           | Yes |
| Mr. Moore               | Yes |
| Chairperson Christensen | Yes |

**Motion Carries - B-3-2014– Unanimous Vote**

Ms. Naegle moved for approval of the emergency entrance canopy.

Mr. Moore seconded the motion.

**Discussion:** Ms. Christensen stated that she feels this change should have been done years ago. Mr. Moore agreed and added that he has personal experience with the emergency entrance and the problems it poses in bad weather. He indicated that it is a needed and wanted change.

A roll call was taken.

|                         |     |
|-------------------------|-----|
| Ms. Naegle              | Yes |
| Mr. Whetstone           | Yes |
| Mr. Moore               | Yes |
| Chairperson Christensen | Yes |

**Motion Carries - B-3-2014– Unanimous Vote**

**B-2-2014**

**Leena Locke - Non Conforming Use Determination**

**3580 & 3584 South 5200 West**

**R-1-8 Zone**

**REQUEST:**

Leena Locke, has submitted an application with the West Valley City Board of Adjustment requesting a non-conforming use determination for two existing multiple family dwellings located on the same parcel in the R-1-8 zone. The property is located at 3580 & 3584 South 5200 West. The applicant is requesting that the Board determine the non conforming status of these dwellings as it relates to the multiple family use in an R-1-8 zone.

**BACKGROUND:**

**WEST VALLEY CITY GENERAL PLAN** recommends low density residential land uses.

- ☐ The subject property is located at 3580 and 3584 South 5200 West. The property is presently zoned R-1-8 and is approximately .93 acres in size. The property currently has two existing buildings being used as multiple family dwellings. The property is not part of a formal subdivision, but it is located immediately to the south and east of the Amberwood Pointe Subdivision.
- ☐ The applicant approached the City for a rental business license. During the review process for the license, it was noted that there are two existing dwellings located on one parcel, and each is a duplex. Due to zoning concerns, staff did not issue the business license. The applicant was notified of the City's concern regarding the multiple family units and subsequently submitted a non-conforming use determination application.
- ☐ According to Salt Lake County records, the dwelling located at 3580 South was constructed in 1933. It was the original dwelling on this parcel and was built as a single family dwelling. The dwelling with the 3584 South address was a move-on structure and placed on the property in 1968. In October 1968, the property owner applied for a building permit which staff believes was for the move-on dwelling. This is clearly noted as a duplex. Information contained on the permit however, includes both addresses, so an

assumption could be made that this permit would have allowed the conversion of the original dwelling as well. This would substantiate the applicants claim that the conversion of this home took place at this same time. The permit then could have done two things: 1. Allowed the original dwelling to convert to a duplex. 2. Allowed the move-on home to be a duplex.

- ☐ At the time the original home was constructed, zoning did not exist in this part of the County. Zoning first appeared in 1965 with the subject property being zoned R-2-A. According to a zoning map dated 1968, the property was zoned R-2-8 and remained that way until after the City's incorporation. Between 1980 and 1985, the property was rezoned to its current designation of R-1-8. As a reminder, the R-2-8 zone allows two family dwellings on a minimum lots size of 8,000 square feet.
- ☐ To help the Board in its determination of this case, the applicant has provided a written letter outlining the history of this property. The letter also provides a chronological order of building events relating to each building. The building permit has also been included for your analysis.
- ☐ To conclude, the applicant has submitted a request for the Board to determine whether the existing duplex units located at 3580 and 3584 South are legal and can remain as constructed. The following summation may help:

#### **ORDINANCE SUMMARY:**

Section 7-18-106(1) of the West Valley City code reads:

All matters regarding the non conforming use of building and land shall be determined by the Board. Upon application, after public hearing on the matter, the Board shall determine if the use or building is non conforming with respect to current provisions of this Chapter.

#### **Steve Lehman presented the application.**

**Discussion:** Russell Moore asked if each unit has a separate utility connection. Steve Lehman replied yes. He indicated that the information provided by utility companies didn't match the dates provided by Ms. Locke so he didn't feel this information should be included in the Board of Adjustment packets. Will Whetstone clarified that the 1933 home became a duplex in 1968. Steve replied yes. Sandy Naegle asked what the consequence for the applicant would be if this application were denied. Steve replied that the applicant could appeal the Board's decision. He indicated that there is no doubt about the conversion of one of the homes because there is a building permit provided for it in 1968. He stated that the second building's address was listed on this permit as well but it wasn't completely clear which is why staff felt the Board of Adjustment should render the decision. Mr. Whetstone asked if the property behind the homes should be taken into consideration at all. Steve replied that it is not part of this application.

**Applicant:**

Leena Locke  
3580 S 5200 W

**Leena Locke**

Ms. Locke stated that there is no current way to convert these homes to single family dwellings. She indicated that she inherited the homes from her father and has records of leases that date back to 1993. She stated that her father rented the homes before she did and had been doing it since before her birth in 1969.

**Favored**

Betty Jean Locke  
3580 S 5200 W

**Betty Jean Locke**

Ms. Locke stated that these apartments are very desirable and as soon as one becomes available there are many interested renters. She stated that the home and property are well maintained and are assets to the community.

**Discussion:** Mr. Whetstone asked where parking is located. Ms. Locke stated that both homes have 30 foot wide driveways that are also very deep. She indicated that 12 vehicles could be accommodated on site. Ms. Locke stated that the appeal of the units to some people is the ability to store their RV's or other recreational vehicles.

Steve stated that he did receive a phone call from a neighbor. The neighbor was concerned about potential changes but after hearing what the application was for indicated that the homes had always been duplexes for as long as she could remember.

There being no further discussion regarding this application, Chairperson Christensen called for a motion.

Mr. Whetstone moved for approval

Ms. Naegle seconded the motion.

**Discussion:** Ms. Christensen stated that she knows there are multi-family dwellings across the street from this as well. She indicated that she would be in favor of approving this, especially with neighbors verifying that they had always known the homes to be duplexes. Mr. Whetstone agreed and added that it is reasonable to assume that the 1968 permit took into account both homes. Mr. Moore agreed and added that there are also separate utilities, separate entrances to the homes, and ample parking.

A roll call was taken.

Ms. Naegle

Yes

|                         |     |
|-------------------------|-----|
| Mr. Whetstone           | Yes |
| Mr. Moore               | Yes |
| Chairperson Christensen | Yes |

**Motion Carries - B-2-2014– Unanimous Vote**

**OTHER**

The minutes from **February 5, 2014** were **approved**.

There being no further business the meeting adjourned at 6:48 p.m.

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Nichole Camac, Administrative Assistant